

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

EAST COAST TRUCK AND TRAILER
SALES, INC.

Plaintiff,

V.

MOTOR CITY AUTO TRANSPORT, INC.,

Defendant.

Case No.: 2:09cv583

ANSWER

COMES NOW defendant, Motor City Auto Transport, Inc. (“Motor City”), by counsel,
and for its answer and defenses to plaintiff’s Complaint states as follows:

Responding to the numbered paragraphs of the Complaint, Defendant answers:

1. On information and belief, the allegations of ¶ 1 are admitted.
2. The allegations of ¶ 2 are admitted.
3. The allegations of ¶ 3 are a legal conclusion for which no response is necessary.

To the extent that an answer is required, Defendant admits it is a corporation organized under the laws of the State of Michigan. It denies the remaining allegations of ¶ 3.

4. The allegations of ¶ 4 are admitted.
5. The allegations of ¶ 5 are admitted
6. Defendant admits that venue in the Circuit Court for the City of Chesapeake is proper and that venue in the U.S. District Court, Norfolk Division is proper. It denies the remaining allegations of ¶ 6.
7. The allegations of ¶ 7 are denied.

8. Defendant is without sufficient information to form a belief as to truthfulness of the allegations of ¶ 8 and they are, therefore, denied.

9. Defendant admits it has not purchased the equipment described in Exhibit A. Defendant denies the remaining allegations of ¶ 9.

10. Defendant admits that the parties have conferred regarding the purchase of the equipment described in Exhibit A. Defendant denies the remaining allegations of ¶ 10.

11. Defendant is without sufficient information to form a belief as to truthfulness of the allegations of ¶ 11 and they are, therefore, denied.

12. Defendant denies the allegations of ¶ 12.

BREACH OF CONTRACT

13. Defendant incorporates its responses to ¶¶ 1 to 12 as if set forth fully here.

14. Defendant admits that Jim Ferris, the President of Motor City, signed Exhibit A. Defendant admits that agents or employees of East Coast Truck and Trailer Sales, Inc. executed Exhibit A. It denies the remaining allegations of ¶ 14.

15. Defendant is without sufficient information to form a belief as to truthfulness of the allegations of ¶ 15 and they are, therefore, denied.

16. Defendant denies the allegations of ¶ 16.

17. Defendant denies the allegations of ¶ 17. ‘

First Defense

Any alleged agreement between the parties is unenforceable because of the doctrine of mistake.

Second Defense

Any alleged agreement between the parties is unenforceable because of the failure of a condition precedent.

Third Defense

The Defendant reserves the right to rely upon any affirmative defenses which may, hereafter, be demonstrated by the evidence including, but not limited to, accord and satisfaction, duress, estoppel, failure of consideration, fraud, payment, laches, release, statute of limitations, waiver, mistake, excuse, ambiguity, construction, disparity of bargaining power, rescission, merger as well as any other defenses which may develop during discovery.

WHEREFORE, the defendant, Motor City Auto Transport, Inc., respectfully prays that the plaintiff's Complaint filed against it be dismissed with prejudice, and that the defendant be granted its reasonable costs incurred in the defense of this action.

Trial by jury demanded.

Respectfully Submitted

MOTOR CITY AUTO TRANSPORT, Inc.

/s/

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Attorneys for Motor City Auto Transport, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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_____/s/
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